

**House Report 109-485 - LEGISLATIVE BRANCH APPROPRIATIONS  
BILL, 2007**

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**ADDITIONAL VIEWS OF THE HON. DAVID OBEY**

The \$3,026 million provided in this bill to operate the legislative branch agencies under the jurisdiction of the House seems straight forward and fiscally responsible. Excluding the 16 percent increase requested by the Senate, the 3.6 percent increase in the bill reported by the Committee is \$225 million below the requests and only marginally above the rate of inflation.

Of the reductions recommended by the Committee, \$114 million comes from the Architect of the Capitol's request by eliminating most new construction starts based on the view, which I share, that the Office of the Architect is not able to manage new projects at this time. Beyond the Architect, most initiatives proposed to the Committee by other legislative agencies, which are not absolutely required, have been rejected or scaled back. This includes funds for increased staffing for the Government Printing Office, the Capitol Police and the Government Accountability Office, and funding for technology upgrades at a number of agencies. While many of these increases are justified on their merits, the funding is just not available.

I am worried, however, that in approving a 3.6 percent increase in this Legislative Branch bill that the Congress is taking better care of itself financially than the Majority's budget allows for almost every other part of the domestic budget. The 6.5 percent increase anticipated in the Committee's 302(b) allocation for the Legislative bill (including the funding for the Senate) is larger than the increase for the Defense and Homeland Security bills. It is double the rate of increase for any other domestic bill with the exception of the bill funding aid to our veterans. The problem is not that the amounts in this bill to run the Congress are unjustified; it is that the amounts for programs which serve the needs of typical American families are too low under the budget policies which the Republican Leadership has imposed on this Committee.

I am, however, very uncomfortable providing \$363 million of the public's money to the Architect of the Capitol, an organization which has proven itself to be incompetent to the task. I have discussed previously, both in Committee and on the House floor, my concerns regarding the management fiasco which we call the Capitol Visitor Center (CVC). At the Committee's hearings in March we confirmed further delays and cost overruns. The CVC will almost certainly not open until late summer or fall of 2007, a full two years behind schedule and the latest GAO cost estimate of \$555 to \$584 million is more than double the estimate submitted in the Spring of 2002. The history of increasing cost for the CVC has been one of constant

escalation beginning with a price tag of \$100 million in June of 1995, increasing to \$265 million in June of 2001, \$347 million in May 2003, \$421 million in May of 2004, \$517 million in May 2005 and now to the current estimate by GAO of nearly \$600 million. Further delays and cost increases are still likely and I personally don't expect the CVC to be fully open until 2008. Now we hear that the new Visitor Center leaks.

The failures in managing the Visitor Center project do not fall solely on the Architect and his staff. Insufficient attention has been given to these issues by those within the Majority responsible for oversight of the Architect's operations. This lack of oversight is also evident in their management of the federal budget, including the resulting escalation in the federal deficit.

But the Architect's problems do not stop with the Visitor Center. The recent reports of the mismanagement of worker safety issues in the utility tunnels is for me the straw that broke the camel's back. As Members will recall, Congress found out for the first time in February that there were serious worker safety issues in the tunnels involving both structural hazards and asbestos. We did not hear about this from the Architect. We heard about it from the press because of a formal worker safety complaint filed by the Office of Compliance--the first formal complaint ever filed by that Office.

Even after the filing of a formal complaint by the Compliance Office, the Architect did not seem to take these concerns seriously. He testified before our Committee on March 14th that his office was on top of the issue and made no further request for funds. On March 30th, he sent a formal memo to the Committee again reviewing everything that had been done and they were planning to do to address the utility tunnel problems. Again, there was not hint of the need for significant additional funding. The message to the Committee was, basically, 'We have a handle on this.' Then on April 12th, without any notification to the Committee in advance, the Architect submitted a stunning \$118 million proposal for emergency repairs and upgrades to the tunnels with indications that the total cost of repairs could exceed \$200 million.

I am committed to do everything necessary to protect the workers in these tunnels. This includes supporting the \$28 million for repairs added by the Senate in the fiscal year 2006 Supplemental. But, I have no confidence of what to do about tunnel repairs long term because I have no confidence in the Architect's ability to evaluate the tunnel safety problems, estimate the cost of the repairs or manage the construction.

I think the scope, if not every detail, of the Architect's performance problems are obvious to most Members of the Houses and I commend the Chairman for the language in the Committee report which lays out these issues very accurately. Unfortunately, I am concerned that this is not an institutional problem which can be solved with an institutional change alone. I believe it is a personnel problem related to the current management of the Office of the

Architect, which is just not up to the job. For this reason I offered, and the Committee accepted by voice vote, an amendment which essentially places the Office of the Architect in receivership under the supervision of the Comptroller General. It will immediately transfer all authorities currently exercised by the Architect to the Comptroller or his designee. This includes all authority related to execution and supervision of contracts and all authorities related to the hiring, firing and supervising of staff.

I recognize that Congressionally mandated receivership is an imperfect solution to this problem. The Comptroller General is not an architect or a construction manager, though he and his staff are already overseeing both the Visitor Center and the utility tunnels projects at the request of the Committee. I also recognize that this is a radical solution, but I see no alternative. This receivership is a temporary solution which deals with the immediate problem of assigning responsibility for managing the 2007 funding in a manner which protects the taxpayer and will manage existing projects more effectively until a new Architect is confirmed. Despite its imperfections, inclusion and debate on this proposal is the only way in which the Full House can express itself on the mismanagement by the Office of the Architect. I urge that the language be protected from points of order by the Rules Committee so the House can express its will on this matter.

